

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 18, 1992

ALL-COUNTY INFORMATION NOTICE NO. I-48-92

To: All County Welfare Departments

Subject: Statewide Hearings Study

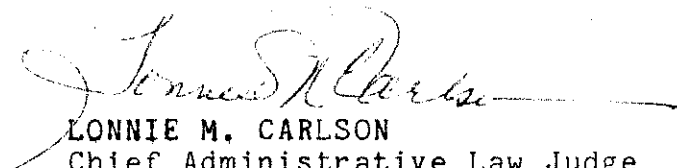
The Institute for Social Research, California State University at Sacramento, is conducting a study of the statewide hearing process for the Administrative Adjudications Division.

Detailed information about the research is contained in the attached study plan. Comments, questions, suggestions are welcomed by the research staff. Principal Investigator, Dr. Carole Barnes, and Research Analyst, Sandra Sutherland can be reached at 916-278-5737 or by mail at the following address:

Institute for Social Research
California State University, Sacramento
6000 J Street
Sacramento, CA 95819-6005
(FAX: 916-278-5150)

The study will provide data and recommendations to improve the calendaring system, the use of technology and the productivity of hearings staff.

Counties may be asked for assistance in gathering data needed for this study. I am asking each county to cooperate with the Institute for Social Research. Any questions may be directed to Dr. Barnes or Rosalei Morefield of my staff (916-323-5113).


LONNIE M. CARLSON
Chief Administrative Law Judge
Administrative Adjudications Division

Attachments



INSTITUTE FOR SOCIAL RESEARCH

Carole Barnes, Ph.D., Director

September 3, 1992

To: County Departments of Social Services

From: Carole Barnes, Director
Sandra Sutherland, Research Analyst
The CSUS Institute for Social Research

The staff of the CSUS Institute for Social Research is pleased to be working with the State's Administrative Adjudications Division and the County Departments of Social Services on a review of the state hearing process. Our job is to make yours easier. We hope to do this by:

- describing how the process actually works, using information available in the State Hearing System and, if necessary, the counties' files.
- interviewing key personnel in selected counties throughout the state to synthesize creative strategies for streamlining the quality control and state hearing functions.
- recommending some revisions in the procedures to eliminate duplication of effort, minimize the number of hearing requests filed, and develop menu-driven computer protocols for repetitive tasks.

If your county has developed useful "cheat sheet" summaries of the regulations, boiler-plated position papers, useful issue codes, an effective case-tracking system, or any other innovation, we'd like to know about it so that we can build on what has already been accomplished statewide. If your county staff have recommendations for change in either state or county procedures, we would appreciate a brief memo on the subject so that we can evaluate these suggestions in light of the research results.

In short, our responsibility is to examine existing data more closely in order to help state and county staff understand how the hearing and quality control functions actually work. If there are patterns that your county would like tracked, you might share these with us as well. If feasible, we'll do our best to structure the data to do so.

We are reachable by phone (916-278-5737), fax (916-278-5150), and mail. Please feel free to share these numbers with your staff and encourage them to share their ideas for improving the determination and communication of eligibility for program support as well as the state hearing process.



California State University, Sacramento

6000 J Street Sacramento, CA 95819-6005 (916) 278-5737 FAX: (916) 278-6664

ISR Estimated Timeline: Analysis of the AAD State Hearing Process

8/92-9/92	Collect information on availability and structure of electronic data from: 1) the State Hearing System (SHS); 2) MEDS; 3) the County Case Data System; and 4) sample counties' hearing and welfare data systems.
10/92	Obtain test data: SHS, CDS, and MEDS tapes for a sample of 1991 cases.
10/92-11/92	Using test data, develop, test, and execute procedures for matching adjudicative and case records. Develop and test variable definition and construction procedures. Validity testing.
12/92-1/93	Compile a list of variables which need to be obtained from county hearing office case files. Working with test cases, coordinate information transfer procedures with county hearing offices.
2/93-3/93	Obtain complete data-set comprised of SHS, CDS, and MEDS tapes.
2/93	Develop and test content analysis coding procedures for ALJ decisions.
3/93-4/93	Execute procedures for matching adjudicative and case records.
3/93-8/93	Select sample of approximately 1,000 ALJ decisions and code.
3/93-5/93	Qualitative interviews with DSS personnel, County Hearing Office Directors, Hearing Specialists, Eligibility Workers, and advocates.
4/93-6/93	Descriptive analysis of computerized case data.
5/93-8/93	Provide list of cases and variables to be obtained from county hearing office case files. Work with county hearing offices to obtain this information.
6/93-8/93	Claimant phone interviews.
6/93-9/93	Integrate county hearing office information with computerized case data.
9/93-10/93	Content analysis of ALJ decisions.
10/93-1/93	Multivariate analysis of complete case data.
1/94	Outline research results and recommendations. Table construction and writing rough draft of report.
3/94	Rough draft recommendations presented to DSS.
4/94	Obtain DSS responses to rough draft report and recommendations.
5/94	Revision of report and recommendations based on DSS responses.
6/30/94	Final report and recommendations.



INSTITUTE FOR SOCIAL RESEARCH

Carole Barnes, Ph.D., Director

**STUDY PLAN FOR THE ANALYSIS OF THE
ADMINISTRATIVE ADJUDICATIONS DIVISION'S
STATE HEARING PROCESS**

Carole Barnes, Ph.D., Director,
Institute for Social Research
CSUS

September 10, 1992

The focus of this research, commissioned by the Department of Social Services Administrative Adjudications Division, is to identify the organizational features and case characteristics which influence the flow of cases through the AAD's State Hearing process.

To identify these features, information will be collected from a sample of state and county hearing files, program case files, PIAR message slips, and LSB billing slips. Interviews will be conducted with State and County Social Services Department personnel, advocates, and claimants. A sample of state hearing decisions will be content analyzed.

The research will culminate in a set of recommendations for improving the efficiency and cost effectiveness of AAD's State Hearing process. These recommendations fall in two major categories:

- procedural changes in the request for hearing process based on the inter-relationships between issues, withdrawals, no-show likelihoods, language support, hearing location and county; and
- proposed applications of laptops and related information systems in routinizing and simplifying eligibility and administrative hearing decisions and communicating relevant regulations and supporting rationales for these decisions.



Data Collection

Data will be collected on organizational features and case characteristics which could influence the flow of cases through AAD's State Hearing process. Organizational features would include the size of the county in which the case originates, the workload structure for eligibility and hearing staff, the seniority and authority of the county's hearing specialists, program participation rates per 100,000 persons (children) below the poverty line, the rate of requests for hearing per 1000 AFDC population (or per 1000 notices of action processed), use of automatic conditional withdrawals for selected issues, and the rehearing rates per 1000 ALJ decisions. Case characteristics would include the program, issues and manner of filing (oral or written) involved; claimant's demographic profile including language spoken; and processing variables such as filing and hearing dates, postponements and their timing, withdrawals and their timing, continuances, show/no-show status, time required for hearing, decision, use of an interpreter, use of authorized representation, and whether a request for rehearing is filed.

Information on the State Hearing process will be taken from several sources:

1. state and county hearing files
2. program case files
3. interviews with State and County Social Service personnel associated with the determination of eligibility and adjudicative hearings, and advocates
4. interviews with claimants
5. state hearing decisions
6. Public Inquiry and Response (PIAR) message slips
7. interpreter billings from the Language Services Bureau (LSB)

1. Hearing files

State hearing files will be the primary source of information on the variables describing individual requests for hearings. The variables listed below are targeted for retrieval (via tape) from the State Hearing System files.

- date of filing
- name of person who signed the appeal
- state hearing number (date appeal was received and sequence number)
- claimant name (name of person on whose behalf the appeal was filed)
- program involved in the appeal
- county of residence
- county involved in appeal
- claimant language and dialect
- claimant phone number
- claimant address, including zip code
- authorized representation (yes/no, name, firm or agency)
- withdrawal(s) (yes/no, date, conditional/unconditional, verbal/written)
- postponement(s) (yes/no, date)
- continuance(s) (yes/no, date)
- timeliness of hearing
- penalties (yes/no, amount)

- date and time of hearing
- location of hearing
- show/no show status
- decisions for each issue (denied/granted/granted-in-part/dismissed)
- issue(s)
- rehearing request (yes/no, source, date, action)
- reopen request (yes/no, date, action)

Our objective is to retrieve as much information as possible on tape. Counties with computerized hearing files may be asked to provide data for a subset of cases during the sample period in a format consistent with the CSUS Vax platform. Should a piece of desired hearing data prove to be unavailable in any computerized format, its importance to the study and the feasibility of manual data collection will be weighed. Where it is practical, county assistance in assembling information for a subset of cases may be requested. Variables targeted for retrieval from county hearing files include:

- oral or written request for hearing
- aid paid pending requested (yes/no)
- interpreter scheduled
- claimant contact prior to hearing (yes/no and date)
- interpreter assistance during hearing (yes/no)
- type of authorized representation
- requestor of postponements (claimant/AR/ALJ)
- actual length of hearing
- reinstatement (y/n, date)

2. Program Case Files

Personal data and program participation for claimants involved in a request for hearing will be retrieved from program case files to supplement adjudicative records. Again, our objective is to obtain as much information as possible on tape. Case characteristics will be retrieved from the Department of Health Services Medi-Cal Data System (MEDS). Case information from counties participating in the Case Data System (CDS) and counties that are not participating in CDS, but which maintain their own computerized case files, will be requested on tape. In counties not using a computerized program case file system, county assistance may be requested to collect particular pieces of information for a subset of cases during the sample period. Variables targeted for retrieval from program case files include:

- program case number (AKA MEDS county identification number)
- social security number
- date aid pending initiated by county
- gender of claimant
- age of claimant
- ethnicity of claimant
- number of successful applications for aid
- program enrollment (including, for each aid category received, total months enrolled and number of enrollments)

In addition to claimant characteristics, aggregate counts will be collected for the notices of action produced by each county program during the sample period.

3. State and County Social Services Personnel and Advocate Interviews

A qualitative understanding of the adjudicative hearing process, and its integration, on the one hand, with the eligibility functions of County Social Service Departments and, on the other, with divisions of the State Department of Social Services and the Department of Health Services, will be developed from personal and telephone interviews with County Social Service staff (Directors, Managers, Hearing Specialists, and Eligibility Workers), Adjudicative Law Judges, advocate groups, and state level staff in PIAR, LSB, AAD and DHS. Information will be sought on the formal roles assigned to each organization and staff member, the ways in which the informal division of labor differs from officially prescribed duties, the formal and informal linkages between the separate agencies, funding mechanisms attached to agency responsibilities, and, finally, inefficiencies and solutions perceived and proposed by respondents.

Qualitative interviews, covering the topics listed, will be scheduled with persons in the following job categories in selected sample counties:

a) Directors and Managers

- funding mechanisms
- use of PIAR and LSB
- responsibilities of hearing specialists
- oversight of eligibility worker decisions
- allocation of cases to hearing specialists
- when position papers are prepared
- number of staff relative to number of hearing requests and notices of action
- how are cases assigned to appeals representatives and to eligibility workers?
- is there any tracking of cases?
- when is a case assigned to a hearing specialist?

b) Hearing Specialists

- responsibilities
- seniority
- position papers and timing of
- canned position papers a possibility?
- withdrawals (timing, policies)
- oversight of EW decisions
- feedback to EWs re decisions
- use of PIAR and LSB
- do you have any prehearing contact with claimants? What happens during this contact?

c) Eligibility Workers

- use of PIAR
- do you work from any outline of the regulations?
- how often do you clarify the notice of action and reasons?
- is there any oversight of your decisions?
- do you have any prehearing contact with claimants? What happens during this contact?

4. Claimant interviews

Unstructured telephone interviews will also be held with a small non-random sample of claimants chosen from those who:

- seek clarification of the notice of action but don't file (retrievable from PIAR message slips)
- file, but don't show
- file, but withdraw or agree to a conditional withdrawal
- have request granted following a hearing
- have request denied following a hearing

The intent of these interviews is to view the process from the viewpoint of the claimant. Information sought would include reasons for filing or not filing a request for hearing, for attending or failing to attend the hearing once scheduled (including travel distance from residence to hearing location, parking costs, and access to child care), and for withdrawing or accepting a conditional withdrawal. Other variables of interest would be the claimant's prior program experience, their prior hearing experience, the issue prompting the request for further information or a hearing, language spoken, knowledge of support programs, and source of information about these programs.

5. State Hearing Decisions

To consider the feasibility of developing "canned" decisions, a sample of decisions will be content analyzed. Issues, types of evidence, and decisions will be codified; cited regulations will be summarized and correlated with types of issues, evidence and decisions. Analytical categories will be created from existing "boilerplate" decisions and summarized regulations. These decision variables will be related to other case characteristics.

6. PIAR Message Slips

In some instances, calls to PIAR constitute a prior step in the hearing process. The message slips documenting incoming calls are important if some counties refer a large number of people to PIAR for informational purposes, or if PIAR resolves, or has resolved in the past, the concerns of those calling. Due to space restrictions, message slips have not been uniformly retained for any significant time period. PIAR has agreed to begin keeping message slips for the purposes of this project, and it is estimated that we will be able to obtain a complete set for a four-month period. Information from available slips, including claimant name, telephone number, county, date, and program involved will be coded and analyzed.

7. LSB Billing Slips

LSB billing slips contain the amount paid for transportation, parking, and the hearing itself, the case name and hearing case number, no-show status, language, county, date and time of hearing, and worker number. LSB has agreed to begin keeping billing slips for the purposes of this project. If feasible, this information will be matched and added to hearing and case data.

Sampling Design

Selection of Cases from the State Hearing System

It is important that the sampled cases adequately represent the diversity of requests for hearings. The following variables have been identified as potentially important in the outcome of requests for hearing:

- program involved in the appeal (AFDC, Food Stamps, Medi-Cal/Disability, Social Services)
- authorized representation
- interpreter assistance
- issue

If some values of these variables are relatively infrequent, it becomes important to stratify the sample selection so that smaller subgroups can be over-represented. This provides greater reliability in the information collected on these groups. Sample representativeness would be improved by stratifying on aid category and interpreter assistance since there are relatively few Disability/Medi-Cal and Social Service filings and, in some counties, relatively few interpreter assisted hearings. Letting issue and authorized representation vary randomly will provide an estimate of the actual distribution of issues and advocates in the individual counties and programs and in interpreter-assisted hearings. Some issues may have more staying power than others; this would only be apparent if issue is allowed to vary randomly when the sample is selected.

In all likelihood, the hearing issue will be one of the most powerful explanatory (independent) variables. Since there are many different issues, they will have to be grouped for analysis into relatively homogeneous categories. To adequately assess the contribution of issue in combination with other independent variables (authorized representation, claimant's language, claimant's age or other demographic characteristics, and claimant's residential distance from the hearing location), very large sample sizes within program, county and interpreter-assisted cells are desirable. This can be more easily achieved in counties where the hearing and case data are computerized. Some parts of the analysis may have to be restricted to data from the counties where this is the case.

Sample sizes must be large enough to permit simultaneous analysis of at least five independent variables, including county, interpreter-assisted hearings, and program, without creating unacceptably small cells in the analysis. Expecting unequal distributions of cases on most of the independent variables, we have set 3,000 as the minimum number of cases per sampling cell.

To adequately represent smaller and medium-size counties, the sample should be stratified by county size. This means that roughly one-third of the 24,000 sampled cases would be drawn from counties defined as small (less than 1,200 cases filed in 1991); about one-third of the sample would be from medium-size counties (between 1,200 and 2,900 cases filed in 1991); and another one-third would be from large counties (over 2,900 cases filed in 1991). The recommended sampling design, to be duplicated in small, medium and large counties, is summarized in Table 1.

Table 1.
Sampling Design for State Hearing Cases, 7/1/91 to 6/30/92,
Stratified by Program and Interpreter Assistance
and Duplicated in Small, Medium, and Large Counties

Interpreter Assistance	Program Involved in Appeal				Total
	AFDC and Foster Care	Food Stamps	Medically Needy	Social Services	
No	1,000	1,000	1,000	1,000	4,000
Yes	1,000	1,000	1,000	1,000	4,000
Total	2,000	2,000	2,000	2,000	8,000

Selection of State Hearing Decisions for Content Analysis

Using 1991 data, which gave 14% as the median proportion of cases filed that actually resulted in a decision, we estimate that a sample of this size would yield approximately 3,500 decisions statewide -- roughly one-third of these decisions would be randomly sampled for content analysis. The decisions are well organized and offer readily codable information. The issue and decision are stated in the summary, evidence is cited in a section entitled, "findings of fact," and applicable regulations are cited ("conclusions of law").

Selection of Counties for Qualitative Interviews

Conducting qualitative interviews in all counties is fiscally infeasible. Hearing data from calendar year 1991 was examined to aid in the selection of counties representing qualities of possible importance in the adjudicative hearing process. Since many of the counties in the state are relatively small and because the drop out rate for filings is high, this sample will be restricted to counties with a minimum of 1,200 filings in 1991. The choices, on the basis of county size, are:

Table 2.
Medium and Large Counties, Calendar Year 1991

Medium (1,200 - 2,900)	Large (over 2,901)
Fresno* Kern* Santa Clara* Contra Costa Orange San Francisco San Joaquin	Sacramento* San Bernardino* Alameda Los Angeles Riverside San Diego

* denotes "typical" counties, which vary plus or minus one standard deviation on the hearing process ratios summarized in Table 3.

The choice among these counties can now be informed by other variables. It is important to

include a balance of northern and southern counties, as well as counties which offer a diversity in languages spoken since the use of interpreters complicates the scheduling of hearings and increases costs in a variety of ways. It may also be important to include counties which are typical of others their size and perhaps some which are atypical in variables which describe their adjudicative hearing processes.

Using the number of cases "washed" relative to the number scheduled for hearing, the number of hearings scheduled relative to the number of complaints filed, and the ratios of granted and dismissed complaints relative to the number of hearings held, county profiles were developed based on each county's distance from the mean of these ratios. Counties plus or minus one standard deviation of the mean are "typical" and those two or more standard deviations are "atypical." Table 3 summarizes the relative distribution of large and medium counties on the hearing process ratios.

Table 3.
Relative Distribution of Medium and Large Counties on Hearing Process Ratios*
Calendar Year 1991

Counties	Total cases	Filings	Ratios			
			Washed/ Scheduled	Heard/ Filed	Dismissed/ Heard	Granted/ Heard
Large						
Los Angeles	19891	+4	+1	-1	+2	+2
San Diego	4530	+2	+1	-1	+2	-1
San Bernardino	4351	+2	+1	-1	+1	+1
Alameda	3388	+1	+1	-1	+1	+1
Sacramento	3266	+1	+1	-1	+1	-1
Riverside	2974	+1	+2	-1	+2	+1
Medium						
Orange	2240	+1	+2	-1	+2	-1
Fresno	2160	+1	+1	+1	+1	-1
Contra Costa	1615	+1	+1	-1	+2	-1
Santa Clara	1378	+1	-1	+1	+1	+1
San Francisco	1341	+1	-1	+1	+1	+3
Kern	1289	+1	+1	-1	+1	-1
San Joaquin	1206	+1	-1	-1	+2	-1

* Tabled values describe each county's relative placement in terms of the number of standard deviations from the mean county ratios.

Sacramento and San Bernardino are the logical choices to represent typical northern and southern large counties. There are more choices among the medium-sized typical counties. Fresno, Kern, and Santa Clara are the typical counties. For north/south balance and for language diversity, perhaps Fresno should get the nod to represent northern medium-sized counties and Kern to represent southern medium-sized counties.

Among the atypical counties, Los Angeles is an obvious choice because it handles roughly 40% of the filings in the state. San Francisco has an extremely high ratio of granted to heard cases (beyond the third standard deviation); and while 9 of the 12 large and medium-sized counties are *below* the mean ratio of heard/filed requests for hearings, San Francisco is above it. San Francisco is reputed to have a different organizational structure for eligibility and hearing cases which may be affecting the adjudicative hearing process in that county. Its inclusion in the sample may shed some light on the effects of this organizational variable.

In summary, a suggested set of medium and large counties with good geographic and language representation would include:

Table 4.
Counties Selected for Qualitative Interviews

Position on Hearing Ratios	Size	
	Medium	Large
Typical	Fresno Kern	Sacramento San Bernardino
Atypical	San Francisco	Los Angeles

Design of the Analysis

In general, analysis of the proportion of requests for hearings, by issue, representation, and interpreter assistance, which are withdrawn, dismissed for non-appearance, or heard and decided will provide information on the types of cases which are more apt to be withdrawn or receive conditional withdrawals, more apt to fail to appear, more apt to have their request granted or denied. Similar comparisons will contribute to an understanding of which case characteristics or organizational features are associated with withdrawals, no-shows, and granted or denied decisions. The ratio of requests for hearings filed to notices of action processed may highlight inter-county differences in the way requests for clarification are handled and in the degree of communication between county workers and their clients.

More specifically, to articulate the arguments that are being tested in this research, we first want to understand what proportion and what types of cases are withdrawn and why. Summary data for 1991 suggests that the proportion is high, implying that many hearings are scheduled needlessly. Several variables may influence the likelihood of withdrawals. These include the issue, advocate representation, language spoken, interpreter-assistance requested, county of residence, program involvement and experience, and the demographic characteristics of the claimant (age, gender, ethnicity). County of residence, as a variable, masks others. Counties may have different policies regarding which issues are contested and which summarily withdrawn. Counties may differ in the degree of discretion granted

hearing specialists to offer conditional withdrawals. The type of supervision of eligibility worker decisions may influence the frequency of withdrawals. Finally, the profile of issues may vary from one county to another.

A second dependent variable requiring explanation is the timing of the withdrawal or conditional withdrawal. When are these two types of withdrawals most apt to occur? Does representation, issue, language, county of residence and its associated organizational variables, program, or claimant characteristics affect the timing of the withdrawals?

A third dependent variable is the proportion of non-appearances at scheduled hearings. In addition to the independent variables considered above, residential location within a county (e.g., zip code) and a scheduled interpreter may also influence the failure to appear.

Another dependent variable is the ratio of granted/denied decisions. If there are consistent misinterpretations of regulations in some counties on some issues, this ratio would vary accordingly. It therefore becomes a diagnostic tool for identifying costly miscommunications in the notices of action. Advocacy may influence this ratio by clarifying issues or marshalling evidence more effectively. The use of interpreters may have a similar effect.

The previous dependent variables represent major stages in the adjudicative hearing process. Several other process-related dependent variables are important. Specifically, the ratio of requests for hearings per 100 notices of action processed, the time between filing and the hearing, the proportion of on-time decisions, the time required for the hearing, and the frequency and requestor of postponements are all important to understand. These variables may also be influenced by some of the independent variables discussed above.

Statistical presentation of the data will be in two parts: descriptive and analytical. The descriptive section will provide a proportionate distribution of requests filed over the possible outcomes: scheduled, withdrawn, non-appearance, heard, and decision. This will be given for the total sample, and for each county size, program, and type of hearing (interpreter-assisted or not). Within each of these control variables (county size, program and type of hearing), this distribution will be shown by issue, advocacy, zip code of residence, and selected demographic characteristics of the claimant.

Discriminant analysis will be used to assess the relative importance of the independent variables in predicting outcomes for the following dependent variables: withdrawals, their timing, non-appearances, the frequency and requestors of hearing postponements, granted/denied decision ratios, time between filing and hearing, proportion of on-time decisions, and time required for the hearing.

A separate discriminant analysis using data from the content analysis of ALJ decisions will be used to identify the variables which best predict whether claims are granted, denied or dismissed. Other independent variables, in addition to those described above, include: types of evidence cited, regulations cited, timeliness of the hearing and decision, and whether the case was held open pending additional evidence.

Understanding variable relationships in the hearing process and in ALJ decisions will suggest ways to simplify and routinize the request for hearing process, the work of the hearing specialists, and the tasks of the ALJs. Although it is not possible to predict any specific solutions, it is likely that a number of efforts already underway will be refined and expanded to serve counties throughout the state. In today's work environment, routine tasks are computerized; and small and relatively inexpensive computers can

handle massive amounts of data. Consequently, many of the research team's recommendations will undoubtedly involve the application of information technology, including laptops and networked systems, to the state hearing process. At this juncture, it would appear that the determination of eligibility could be (and is, in at least one county) computerized -- greatly reducing worker errors and, in turn, potentially reducing the number of hearing requests. In theory, county position papers and ALJ decisions could be built from the same data base of regulations. Boilerplating both could, in the former instance, provide earlier feedback to claimants, which, in conjunction with delayed calendaring, could minimize the cost of scheduling hearings. And, in the latter case, it could produce more consistency and quicker turnaround in ALJ decisions, avoiding penalties and stress.

Laptop computers, equipped with modems, constitute the portable link to a centralized computer system. Assuming a statewide tracking system for hearings cases and statewide access to program data, they could be used by eligibility workers when in-home visits are necessary or when clients request information on the status of their case, by a rotating pool of workers and specialists charged with clarifying notices of action and the regulations supporting them, by hearing specialists in the preparation of county position papers, and by ALJs in the conduct of the hearings and in the preparation of decisions.